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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,538	09/30/2003	Curtiss A. Grau	WAB 03222-A	6086

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EXAMINER

LE, MARK T

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 04/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/675,538	GRAU ET AL	
	Examiner	Art Unit	
	Mark T. Le	3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-9,11,12,14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-9, 11-12, 14-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/7/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to the filing of the RCE on March 7, 2005.
Regarding the Information Disclosure Statement (IDS), filed along with the RCE, Herbert (US 3,610,434), cited in the IDS, is applicable in new grounds of rejection as set forth below. Accordingly, the previous indication of allowance is withdrawn in view of the new grounds of rejection. Any inconvenience to Applicant and their representative is regretted.
2. Note that the examiner's amendments, made on December 17, 2004, have already been entered; therefore, the new grounds of rejection set forth below are made with respect to the claims, as amended by the examiner's amendments.
3. In claim 4, line 2, "said nut" should be changed to -- said fastener -- so as to be consistent with the same recited in claim 1, as amended.
4. Claims 1, 3, 4, 6, 7, 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Herbert (US 3,610,434).

Herbert discloses an emergency release mechanism having all the features recited in the instant claims, including stud 42 threaded at first and second ends, a middle portion of the stud forming a body portion between the first and second ends, dowel extension 44 including opening 45, sleeve 37 forming a lock nut screwed onto the second threaded end, and recess 48 formed around threaded opening 34 of release rail 18.

Regarding method claims 14-15, note that the method of attaching the emergency release mechanism of Herbert inherently requires the method steps recited in instant claims 14-15.

Regarding the recess being engageable with a surface of the body of the stud, as recited in instant claim 15, note that the flat surface of recess 48 of Herbert is inherently capable of engaging or engageable with the body of the stud as broadly claimed.

5. Claims 8-9, 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Herbert (US 3,610,434).

Herbert discloses an emergency release mechanism having all the features as recited in the instant claims, including stud 42 threaded at first and second ends, sleeve 37 forming a lock nut screwed onto the second threaded end, and recess 48 formed around threaded opening 34 of release rail 18.

Regarding the instant claimed unthreaded body portion, recited in instant claim 8, note that smooth portion 44 of Herbert is readable as an unthreaded body portion of the stud that is secured to the release rail by the first threaded end, and that while said unthreaded body portion of Herbert does not engage with the release rail, said body portion is certainly capable of engaging with a release rail, as broadly recited in the instant claim.

Regarding the instant claimed unthreaded body portion having a flat bottom that is engageable with the recess surface of the release rail, as recited in instant claim 11, note that the end surface of portion 44 of Herbert has a flat surface that is a readable as a flat bottom surface, and that while said flat surface of said portion 44 does not engage

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with the recess surface of the release rail, said flat surface is certainly capable of engaging or engageable with the recess surface as broadly claimed.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Herbert (US 3,610,434) in view of Dinitz (US 6,056,471).

Herbert is applied above.

Regarding the instant claimed threaded bar screwed into the single threaded stud, as recited in instant claim 5, consider two different alternative threaded bars at the bottoms of Figures 1 and 2 of Dinitz, which can be made integral or separate from the corresponding upper studs.

In view of Dinitz, it would have been obvious to one skilled in the art to alternatively make to the first end threaded portion of Herbert as a separate threaded bar screwed into the tapped opening of the single upper stud, in a manner similar to that shown in Figure 1 of Dinitz, so as to achieve conveniences/flexibilities in the manufacturing or application of the stud.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark T. Le whose telephone number is 571-272-6682. The examiner can normally be reached on Mon-Fri (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mark T. Le

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Primary Examiner
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mle
04/19/05